

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed October 21, 2004. In the Office Action, claims 11-12 were rejected under 35 U.S.C. § 112, and claims 1-5, 9-16 and 18-21 were rejected under 35 U.S.C. § 103. The Examiner is thanked for his examination of the subject application. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### ***Information Disclosure Statement***

The Examiner indicated that the information disclosure statements (IDSes) filed on July 2, 2004 and December 17, 2003 allegedly failed to comply with the provisions of 37 CFR § 1.97, 1.98 and MPEP § 609 for failure to send in NPL and foreign patent documents. Applicants respectfully disagree and contend that the references were sent in with the information disclosure statements and must have become separated during processing. Copies of the stamped postcards for these IDSes in enclosed herewith as Appendix A. Applicant hereby re-submits these references for consideration by the Examiner.

#### ***Rejection Under 35 U.S.C. § 112***

Claims 11-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended the preamble of claims 11 and 12 to correct the informality. Withdrawal of the §112 rejection is respectfully requested.

#### ***Rejection Under 35 U.S.C. § 103***

Claims 1-5, 9-16 and 18-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Waldin (U.S. Patent No. 6,094,731) in view of Menezes (a publication entitled "Handbook of Applied Cryptography"). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

In the event that further prosecution is required, in order to facilitate prosecution, Applicants respectfully request the Examiner to cite the relevant teachings of the prior art relied upon, preferably with the teachings of each limitation referenced by relevant column or page number(s) and line number(s) where appropriate. *See MPEP 706.02(j)*.

Before discussing the substantive reasons that the pending claims are allowable, it is respectfully submitted that the rejection of claim 1 is improper because the Examiner accidentally interpreted the claim to include limitations that were not set forth in the original claim. For example, claim 1 is devoid of any limitations directed to a hash chain as presented on page 4 of the Office Action. Therefore, Applicants will address this particular rejection by conveying patentable distinctions between the claimed subject matter and the teachings of the cited prior art references.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine*, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988). Herein, at a minimum, the combined teachings of the cited references do not describe or suggest all the claim limitations.

For instance, Applicant respectfully submit that neither Waldin nor Menezes, alone or in combination, describes or even suggests an isolated memory area, *being a portion of the memory accessible by the processor only when the processor is operating in an isolated execution mode*, containing a file checker *and* a signature generator. *Emphasis added*. Column 4, lines 45-62 of Waldin teaches a scanning operation without regard to the importance of controlling accessibility of the file checker and signature generator. Therefore, Applicants respectfully request the Examiner to withdraw the §103(a) rejection as applied to claim 1.

With respect to claim 13, Applicant respectfully submit that neither Waldin nor Menezes, alone or in combination, in particular column 6, lines 18-65 of Waldin, describes or suggests (1) entering into an isolated execution mode *if the file does not have a corresponding digital signature chain*; (3) analyzing an integrity of the file; and (4) issuing the digital signature chain *if the file has an acceptable file integrity*. *Emphasis added*. In contrast, Waldin (col. 6, lines 18-65)

merely describes comparison on the size, date and version number of the files for rescanning determination and subsequent hash comparisons of specific scanned sectors.

Similarly, with respect to claim 19, neither Waldin nor Menezes, alone or in combination, suggest code for determining whether a digital signature chain accompanies a file to be accessed, *entering into an isolated execution mode if the file does not have a corresponding digital signature chain, and issuing the digital signature chain if the file has an acceptable file integrity.* Emphasis added.

Based on the fact that neither Waldin nor Menezes, alone or in combination, suggest each and every limitation set forth in claims 13 and 19, Applicants respectfully request withdrawal of the §103(a) rejection as applied to claims 13 and 19 as well as those claims dependent thereon.

Applicants traverse the §103(a) rejection as applied to all of the dependent claims and reserves the right to argue these grounds for traverse if an appeal is warranted.

**Conclusion**

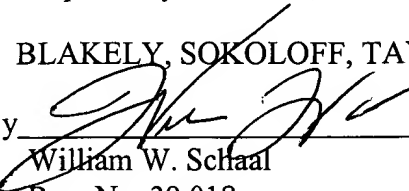
Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 01/19/2005

By

  
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# Appendix A

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Application No.: 09/822,986 Filing Date: 3/30/2001 Docket #: 42390.P8096

Date Mailed: 06/23/2004 Due Date(s): \_\_\_\_\_

Client: INTEL CORPORATION Atty/Sec: WWS/sm

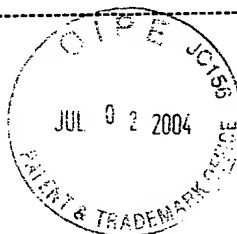
Title: Checking File Integrity Using Signature Generated In Isolated Execution

First Named Inventor: Carl M. Ellison

The following has been received in the U.S.P.T.O. on the date stamped hereon:

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Fee Transmittal (original & copy)  
Information Disclosure Statement & PTO/SB/08 (3 pgs)  
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Cited Reference(s)  
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Assignee: Intel Corporation



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Application No.: 09/822,986 Filing Date: 3/30/2001

Docket #: 42390.P8096

Date Mailed: 12/16/2003 Due Date(s): \_\_\_\_\_

Client: INTEL CORPORATION

Atty/Sec: WWS/crr

Title: Checking File Integrity Using Signature Generated In Isolated Execution

First Named Inventor: Carl M. Ellison

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